

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

WANDA EVETTE DOYLE,

Plaintiff,

v.

NANCY A. BERRYHILL,  
*Deputy Commissioner for  
Operations of the Social  
Security Administration,  
performing the duties and  
functions not reserved to the  
Commissioner of Social  
Security,*

Defendant.

CV 117-144

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O R D E R

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Before the Court is Defendant's "Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to the Defendant." (Doc. 15.) Defendant seeks remand so that the Social Security Administration's Appeals Council can instruct an ALJ to reevaluate the existing evidence on the administrative record. (Doc. 15-1.)

Under 42 U.S.C. § 405(g), a district court can remand a case to the Social Security Commissioner "by two methods, which are commonly denominated 'sentence four remands' and 'sentence

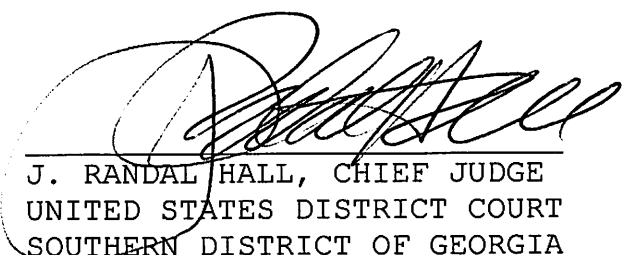
six remands[.]'" Ingram v. Comm'r of Social Sec. Admin., 496 F.3d 1253, 1261 (11th Cir. 2007). A sentence six remand is proper "when the district court learns of evidence not in existence or available to the claimant at the time of the administrative proceeding that might have changed the outcome of that proceeding." Id. at 1267. A sentence four remand is proper when the evidence is already part of the administrative record. Id. at 1269. Under sentence four, a court has discretion to remand, but it must enter final judgment reversing, modifying, or affirming the Commissioner's decision. Melkonyan v. Sullivan, 501 U.S. 89, 100-02 (1991).

In Defendant's memorandum supporting the motion, Defendant states that the Appeals Council will, on remand, instruct an ALJ to reevaluate the existing evidence, explain the weight given to opinion evidence, and if necessary, obtain supplemental evidence. (Doc. 15-1.) Plaintiff offers no evidence that was previously unavailable and argues only for a reexamination of the evidence already on the administrative record. (Doc. 14.) Accordingly, a remand under sentence four of 42 U.S.C. § 405(g) is proper.

For the foregoing reasons and because Plaintiff does not oppose the motion, the Court **GRANTS** Defendant's motion (doc. 15) and **REVERSES** the decision of the Commissioner of Social Security. The Court **ORDERS** the Clerk to **REMAND** the cause to the Commissioner for further consideration. The Clerk of this Court

**SHALL CLOSE** this case and **ENTER JUDGMENT** in favor of Plaintiff and against Defendant.

**ORDER ENTERED** at Augusta, Georgia, this 12<sup>th</sup> day of July, 2018.



J. RANDAL HALL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA